

Appln No. 10/719,614
Amdt date June 22, 2006
Reply to Office action of March 22, 2006

REMARKS/ARGUMENTS

Claim Amendments

Applicant has withdrawn claims 1-15 due to the earlier election of claims 16-30. Applicant reserves the right to file claims 1-15 in a divisional application. Applicant has amended claims 19-20 to include the term "diameter" instead of "D" in response to the objections of the claims by the Examiner. Claim 26 has been amended to depend on claim 16 instead of claim 15 due to a typographical error in the initial filing of the claim, in response to the objection of claim 26 by the Examiner. Claim 17 was amended to revise "the metal is" to "the metal oxide or metal sulfide consists of at least one metal . . . " in response to the § 112 rejection by the Examiner. Claim 16 was amended to include the additive amount disclosed in claim 23, and thus claim 23 was canceled. No new matter was added. Applicant respectfully requests entry of the above claim amendments.

Claim Objections

Claims 19-20 and claim 26 was objected to by the Examiner. Applicant submits that the objections are moot in view of the amendments made above. Applicant respectfully requests withdrawal of the objections to claims 19-20 and 26.

Rejections Under § 112

Claim 17 has been rejected under § 112, second paragraph as allegedly having insufficient antecedent basis. Applicant submits that the rejection is moot in view of the amendments made above. Applicant respectfully requests withdrawal of the rejection under § 112 to claim 17.

Rejections Under § 102(b)

Claims 16-18 and 27-30 have been rejected under § 102(b) as allegedly being anticipated by Gorkovenko et al. (US 6,210,831). Applicant respectfully traverses the rejection for at least the following reasons. Applicant has amended claim 16 to include the wt% of inorganic additive

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present. Gorkovenko et al. does not disclose specific values of weight percentage used. Thus, because Gorkovenko et al. does not disclose all of the elements in independent claim 16 as amended, Gorkovenko et al. does not anticipate independent claim 16 or any of the dependent claims 17-30. Therefore, Applicant respectfully requests withdrawal of the § 102(b) rejection of claims 16-18 and 27-30.

Rejections Under § 103(a)


Claims 19-22 have been rejected under § 103(a) as allegedly being unpatentable over Gorkovenko et al. in further view of Bi et al (US 5,952,125). Claims 23-25 have been rejected under § 103(a) as allegedly being unpatentable over Gorkovenko et al. Applicant respectfully traverses the rejections for at least the following reasons. As discussed in the section above and by the Examiner on page 4 of the Office action, Gorkovenko et al. does not disclose specific values of weight percentages used for the inorganic additive. In the present invention, the addition of the inorganic additive lowers the surface roughness, thereby decreasing interfacial resistance, causing a decrease in internal resistance of the battery. In addition to increasing the capacity, the cycle life is increased from 60% to 91%. (See p. 30, lines 5-14). Gorkovenko is silent as to the decrease in surface roughness and the life cycle characteristics that are improved within the amount of the inorganic additive claimed in the present invention, including independent, amended claim 16. Because Gorkovenko et al. does not teach suggest the above aspects of the present invention, the combination with Bi et al. also does not teach or suggest the decrease in surface roughness and improved life cycle characteristics. Therefore, Applicant respectfully requests withdrawal of the § 103(a) rejections of claims 19-22 and 23-25.

Conclusion

In view of the above, Applicant respectfully submits that claims 16-22 and 24-30 are in condition for allowance, and a timely indication of allowance is respectfully requested. If there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact the undersigned at the number indicated.

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Respectfully submitted,
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